

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 137

HOUSE BILL 2134

AN ACT

AMENDING TITLE 49, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 9; RELATING TO NATURAL GAS STORAGE FACILITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 49, Arizona Revised Statutes, is amended by adding
3 chapter 9, to read:

4 CHAPTER 9

5 NATURAL GAS STORAGE FACILITIES

6 ARTICLE 1. GENERAL PROVISIONS

7 49-1301. Definition

8 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES, "NATURAL GAS
9 STORAGE FACILITY" MEANS A FACILITY THAT IS EITHER UNDERGROUND OR ABOVE GROUND
10 WITH A CAPACITY OF AT LEAST FIVE HUNDRED THOUSAND CUBIC FEET AND THAT IS USED
11 PRIMARILY FOR THE STORAGE OF NATURAL GAS, EXCLUDING LIQUEFIED NATURAL GAS.

12 49-1302. Natural gas storage facilities; limitation

13 A NATURAL GAS STORAGE FACILITY SHALL NOT BE LOCATED WITHIN A COUNTY
14 WITH A POPULATION OF MORE THAN ONE MILLION FIVE HUNDRED THOUSAND PERSONS, IF
15 THE FACILITY IS LOCATED WITHIN NINE MILES OF AN ACTIVE DUTY MILITARY AIR
16 FORCE BASE THAT HAS PILOT TRAINING AS ITS PRIMARY MISSION.

17 49-1303. Exemption of political subdivisions

18 THE PROVISIONS OF THIS CHAPTER ARE CUMULATIVE AND SUPPLEMENTAL AND DO
19 NOT APPLY TO A POLITICAL SUBDIVISION THAT BY ORDINANCE OR RESOLUTION HAS
20 ADOPTED PROVISIONS RESTRICTING NATURAL GAS STORAGE FACILITIES THAT ARE AT
21 LEAST AS STRINGENT AS THE RESTRICTIONS IN THIS CHAPTER.

22 Sec. 2. Findings

23 The legislature finds that a natural gas storage facility shall not be
24 located within a county with a population of more than one million five
25 hundred thousand persons if the facility is located within nine miles of an
26 active duty military air force base that has pilot training as its primary
27 mission. The legislature also finds that these facilities are presumptively
28 primarily used for activities that are subject to state regulation as
29 provided by 49 United States Code 60104c given the dramatic increase in the
30 number of electrical generating facilities, alternative fuel uses and the
31 population of Arizona.

32 The legislature further finds that the operation of Luke Air Force Base
33 is essential to the preparation of pilots for the national defense of our
34 country. It is one of the few, if only, sites in the United States where
35 geography, weather, training mission and accessible bombing ranges provide
36 the best possible training for advanced tactical fighter training. The
37 legislature also finds that a great deal of the economy in central Arizona
38 is built upon, and dependent upon, Luke Air Force Base. The legislature
39 finds that the economy would suffer a significant loss if the missions at
40 Luke Air Force Base were terminated.

41 The legislature additionally finds that the continental base evaluation
42 process under the federal government will look to the protective provisions
43 made to protect military bases. Finally, the legislature finds that in the
44 view of security concerns and safety concerns, a buffer must be established

1 around the perimeter of Luke Air Force Base from certain activities in order
2 to preserve the integrity of the base.

3 Therefore, the legislature declares that it is essential that certain
4 industrial activities including the storage of high volumes of natural gas
5 be separated from the boundary of Luke Air Force Base in order to remove the
6 terrorist threat and to remove any threat relating to safety. The proposed
7 buffer zone was established through discussions with Luke Air Force Base.

8 The legislature further declares that the restrictions contained in
9 this legislation are meant to apply only to Luke Air Force Base because of
10 the unique circumstances that exist at Luke Air Force Base and are not
11 intended to apply to other locations in Arizona.

12 Sec. 3. Emergency

13 This act is an emergency measure that is necessary to preserve the
14 public peace, health or safety and is operative immediately as provided by
15 law.

APPROVED BY THE GOVERNOR APRIL 23, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 2004.

Passed the House March 15, 2004,

Passed the Senate April 13, 2004,

by the following vote: 50 Ayes,

by the following vote: 30 Ayes,

8 Nays, 2 Not Voting

0 Nays, 0 Not Voting

With Emergency

With Emergency

Jake Flake
Speaker of the House

Klu Blunth
President of the Senate

Norman L. Moore
Chief Clerk of the House

Charmion Bellinger
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this
_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State
this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

H.B. 2134

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 19, 2004

by the following vote: 52 Ayes,

3 Nays, 5 Not Voting
With Emergency

Jake Flabe
Speaker of the House

Norman L. Moore
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
19th day of April, 2004,

at 2:30 o'clock P. M.

Jennifer Ybarra
Secretary to the Governor

Approved this 23 day of

April, 2004,

at 2⁰⁰ o'clock P. M.

J. Noytk
Governor of Arizona

H.B. 2134

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 23 day of April, 2004,

at 3:05 o'clock P. M.

Janice K. Brewer
Secretary of State